

REGULAR SESSION MINUTES
JANUARY 9, 2018
BOARD OF POLICE COMMISSIONERS
NEW HAVEN, CONNECTICUT

PRESENT:

Commissioners Anthony Dawson, Chairperson; Kevin Diaz;
Stephen Garcia; Evelise Ribeiro; Gregory Smith; and Donald Walker

Chief Anthony Campbell: Department of Police Service
Assistant Chief Racheal Cain: Department of Police Service
Captain Anthony Duff: Department of Police Service
Ramona Davis: Administrative Assistant

Michael Carter: CAO, City of New Haven
Michael Wolak: Senior Assistant Corporation Counsel, New Haven

Gerald Antunes: Board of Alders
Miguel Pittman, Sr.: Community and Police Relations Task Force
Allan Appel: New Haven Independent

OPEN SESSION

The meeting was called to order at 6:08 p.m., Anthony Dawson, Chairperson, presiding.

DISCUSSION AND APPROVAL OF MINUTES

Discussions and Approval of the Regular Session Minutes of December 18, 2017.

- ** Commissioner Garcia moved Approval of the Minutes of December 18, 2017**
**** Commissioner Smith seconded**
Voting for: Commissioners Diaz, Garcia, Ribeiro and Smith
Abstention: Commissioner Walker
**** Motion passed (4-0-1)**

CHIEF'S REPORT

Chief Anthony Campbell

- Chief Campbell wished all a Happy New Year. He thanked the Board for their hard work in 2017.
- 2017 was a monumental year in that it had the lowest homicide in about 50 years with seven homicides.
- On the 2nd of January, 2018 the city had its first homicide. Two men were shot at the Brookside housing complex. One man was killed and the other was critically wounded. Investigations are still ongoing. It was not a random act of violence.
- On Thursday, January 11, 2018 the Department will hold its first CompStat of the year.

■ There are a lot of officers approaching their 20-year mark this year. So in February of 2018, the Chief's class, Class 7, will have members who will be retiring as well as at the end of this year.

■ The Department is pushing forward with its next Academy class. Out of the 150 conditional offers that were sent out the Department received close to 130 back. The background investigations are proceeding very well under Sergeant Shafiq Abdussabur.

■ Sergeant Shafiq Abdussabur will be retiring on January 20, 2018. The background investigations will be turned over to Lieutenant Manmeet Colon who started out with the background investigation team.

■ The Department anticipates seating a class in March. Another class is expected to run off of the same list. The goal is to get two classes consisting of 40 recruits in each class to accommodate the number of officers that the Department is down from a maximum strength; this will help with the overtime as well as deal with the possible retirements.

■ The biggest retirement that will affect the Department is Assistant Chief Achilles Generoso's retirement by February 3, 2018 after 40 years of police service albeit that not all his years of service were at the New Haven Police Department.

■ Chief Campbell stated that Assistant Chief Generoso is like a father figure to him and that he has learned a lot from him.

■ Body-worn camera training is progressing. The training should be completed in the next two weeks for the entire Department.

■ Every sworn member of the Department will have a body-worn camera.

■ It's one thing to train officers and to have policies in place, but it's really great to see if officers are adhering to the training or whether there are areas for improvement.

■ An incident in December revealed that there was room for improvement. The officers were brought in the day after Christmas and sent to additional training. The officers were very humbled by the situation. They have been sticking to their new training. The video footage from that incident is being used as a learning and training tool. The Department will learn a lot more from future footages.

■ The Department has talked a lot about transparency and accountability. This incident was a success for the Department's body-worn camera program given that the Department was able to review it especially since there were no complaints ever formally filed. The Department took it upon itself to take actions to get the officers extra training.

■ There will be additional training throughout the year via in service. The goal is to reduce the number of overtime.

■ In furtherance of reducing its overtime the Department is going to begin ongoing training. Instead of having large, bulk training which then runs up overtime as those officers training need to be backfilled, officers will be taken off the street for about a three- to four-hour training in small groups.

■ The Department's goal is always public safety; however, it has to be done within the Department's financial constraints.

■ The Department is doing pretty well.

■ A promotional ceremony will be held next month to promote the new assistant chief. The candidate will appear before Board of Police Commissioners at its next meeting in addition to lieutenants and probably about four to five sergeants based on retirements.

■ The promotional ceremony will probably take place in the second week of February, possibly February 16th which will be the 20-year anniversary of Chief Campbell's class, Class 7.

- Chief Campbell stated he was looking forward to another successful year.
- Commissioner Garcia asked about Lieutenant Colon leaving his district.
- Chief Campbell stated that Lieutenant Colon is performing double duties. She will continue to handle her responsibilities as the district manager but would be overseeing the background checks. Lieutenant Colon is on light duty due to her pregnancy.
- Chief Walker stated that a video footage was horrific. Chief Campbell agreed with his remarks.
- Commissioner Garcia asked about the Wintergreen facility. Chief Campbell responded by saying that the facility is coming along well. The range is pretty much complete. The finishing touches are being done. The Department will have a press conference so that the new firearms range can be introduced. Work is being done at Wintergreen to ensure the new classes are up and running.
- Commissioner Diaz spoke about a General Order that needs revision. He asked if the process had begun. Chief Campbell replied that Sergeant Dell has been assigned the task by Assistant Chief Cain. Sergeant Dell is working on it. The General Order will be before the Board at the next Board meeting.
- Commissioner Dawson asked about leads regarding a woman who was shot at Greenwood Street. Chief Campbell replied by saying that it would be discussed in detail in executive session.
- Commissioner Walker said that he understands that officers are getting more training. He wondered where the supervisors were when the incident occurred.
- Chief Campbell responded by stating that that issue has been discussed as a result of the incident. Three officers were at one scene. The Chief added that he believed the situation would have gone differently had there been a supervisor. Assistant Chief Reyes addressed this issue with the officers as well as the supervisors. The supervisors were there for a while. At some point, additional units were called for.
- In a perfect world, that's what should have happened especially in light of the hiring of additional supervisors given that the Department is very young and in need of proper supervision. No one responded in the manner they should have.
- The hardest thing to get across to new bosses is that the radio has to be monitored as that it is a supervisor's lifeline.
- People are being written up, disciplined as a result of the incident. The administration is taking it very seriously. It is part of the General Orders that the radio has to be monitored. It is a violation of the General Order if the rule is not adhered to.
- Commissioner Walker stated that New Haven has one of the best police departments in the country. However, with all these retirements, the Department has a very, very young police force. Chief Campbell responded by saying, extraordinarily young.
- Commissioner Walker further stated that the Department has to make every attempt to ensure that these young officers are properly supervised. The Department is losing experienced officers by hundreds of years.
- Chief Campbell responded by saying that Mayor Harp has addressed this very issue with him as well as contract negotiations and is very concerned. Chief Campbell has also expressed his concern to Mayor Harp.
- One of the things the Department is looking at is creating a system that would incentivize supervisors to stick around. The contract as it stands is almost a disincentive to stay given that an officer can collect his or her pension and go somewhere else.

- The Department is doing all it can to keep experienced officers.
- Commissioner Walker asked for the salaries of officers in surrounding towns as well as New Haven. Chief Campbell said that's easy as it was done a year and a half ago. It has to be updated a little bit.
- New Haven Police Department's starting salary is in the 40s. Two officers are going to the Hamden Police Department. The top pay after four years in the Department is in the low 70s. Hamden, by 2020, their base pay is \$92,000. It's hard to compete when an officer with two or three years' experience can go there and make that kind of money. They are voting with their feet. There used to be lots of incentives in the contract to make officers stick around. Even though the pay may not be high, you knew in the end that you had a good pension and medical benefits. Those benefits have been eroding.
- Commissioner Walker added that officers who leave early after New Haven has expended significant amounts training them should reimburse the city. He said he's been told it's a legislative issue.
- Chief Campbell stated that some of that reimbursement has been collected. There is a post legislation that came out that says a Department can collect up to 50 percent of its training fees. So those are being collected from officers separating from the Department early.
- Assistant Chief Cain added that the law took effect two years ago. So it's only officers who came on after that that are affected by this.
- Chief Campbell stated you can't grandfather it in. A lot of the officers who recently left or are leaving cannot be subjected to the 50 percent reimbursement. However, if an officer does not have at least two years, the Department/Union Contract says the officer has to pay \$4,000. Many of the towns have been sending in this amount which is nothing compared to what it costs to train an officer.
- Commissioner Walker asked about the number of training academies in the state. Chief Campbell said there are six other satellite academies.
- Seven towns are hiring and are having difficulties with the numbers. Their deadline is the 17th and they were expecting in the range of 400 to 600 applicants. Right now, they are under 300. They are thinking about extending their deadline. The difficulty across the board is hiring police officers. Contracts have changed. The defined pension which was a big incentive has changed. So people are going for the higher pay.

PERSONNEL MATTERS

Consideration and vote on the recommendation of Chief Campbell on the termination of Officer Jennifer McDermott.

- Chief Anthony Campbell requested that this matter be removed from the agenda.

- ** **Commissioner Ribeiro moved to Amend the Agenda with the Recommendation to Remove Personnel Matters.**
- ** **Commissioner Garcia seconded**
- Voting for: Commissioners Diaz, Garcia, Ribeiro, Smith and Walker**
- ** **Motion passed (5-0-0)**

CORPORATION COUNSEL REPORT

(Executive session.)

■ Attorney Wolak added that the matter on Greenwood Street will be discussed in Executive Session because the information can be used in prospective law enforcement action and prejudicial to such action.

■ Commissioner Smith stated that he would be asking for reports regarding the incident that occurred on Whalley Avenue with the three officers and a Taser and probably the use-of-force files and some of the video footages.

■ Commissioner Smith said he would like to look at what the officers were trained on. He would also like to know how they were dispatched to the call.

INTERNAL AFFIARS REPORT

Captain Anthony Duff

■ The 2017 IA complaints (comprising of civilian and internal complaints) are 74 compared to 79 complaints in 2016 and 66 complaints in 2015.

■ The Department has over 300 Tasers on the streets as of the summer of 2017. The overall numbers for deployment or Taser usage are pretty much the same as 2016 when there were about 100 Tasers out for the entire year.

■ There was a request for the figure regarding year-to-date firearms use. The numbers are still being punched. The Department counted up to 37 incidents, in some cases multiple guns were drawn at the same time, from January 1, 2017 through December 31st, 2017.

■ Commissioner Walker asked if the 17 lasered or unholstered Taser use was by incident. Captain Duff responded that it was by incident, by case number incident.

■ There are five closed civilian complaints.

■ An off-duty officer was in court out of town. It was originally a letter to the Chief's Office and then eventually a formal IA complaint. It was reviewed with the Chief's Office. It was eventually closed out as not sustained. The complainant was given information as to how to file a complaint including contacting the court marshals, the supervisors for the courthouse in Bridgeport. The complainant in this case, a witness, did in fact send a letter stating that she had made a referral to the Judicial Marshal Supervisors and told the other party how to contact the Connecticut State Police.

■ The next complainant is an activist who felt that because of an art display he was being stopped by officers. He thought he was being harassed because he was a community, social activist. It turned to be a case of mistaken identity as the complainant and the other person with a warrant share the same name, the date of birth is just one year different, one is black, the other is white. The officers' actions were considered lawful as they did the proper thing to ascertain his identity.

■ The complaint is about racial profiling during a traffic stop. The DUI checkpoint was downtown. The names of motorists who received citations during that eight-hour exercise have been provided. There was no specific enforcement action directed toward a specific racial minority. The complainant was not ticketed. The state where the complainant's vehicle is registered does not issue front marker plates. The officers are trained to look for obvious violations at the DUI checkpoint so they can further speak to the motorists.

■ The complainant is from the Hill. The complainant was improperly parked and later admitted to being improperly parked. The complaint thought that somehow the district manager directed the officers to give her a ticket. The complainant supplied a video which showed there was nothing to that effect in the video. She was referred back to the complaint process with the court for that. In the video the district manager never had any contact with her and there was nothing to suggest anything improper about giving her a ticket.

■ The next one is two complaints that originated during the summer regarding an incident on the New Haven Green. There were multiple witnesses. Officers called for assistance. There were dozens of officers and numerous social media videos of the incident. After investigations each case was closed out as unfounded and officers were cleared.

■ Commissioner Dawson added that the Board heard from Assistant Chief Reyes that there was a program started by the Department, in terms of some of the complaints and concerns or near misses, to deal with crowd control.

■ Captain Duff responded that there are three teams with a total of 100 officers with specific training on crowd control in order to manage planned events and/or spontaneous events.

EXECUTIVE SESSION

**** Commissioner Smith moved to Enter Executive Session for the Purpose of Information to be Used in a Prospective Law Enforcement Action and Prejudicial to Such Action, Pending Legal Claims and Preliminary Drafts or Notes**

**** Commissioner Ribeiro seconded**
Voting for: Commissioners Diaz, Garcia, Ribeiro, Smith and Walker

**** Motion passed (5-0-0)**

The Board entered Executive Session at 6:40 p.m.

**** Commissioner Ribeiro moved to Exit Executive Session**

**** Commissioner Garcia seconded**
Voting for: Commissioners Diaz, Garcia, Ribeiro, Smith and Walker

**** Motion passed (5-0-0)**

The Board exited Executive Session at 7:00 p.m.

RETIREMENTS (For Board Information Only)

Sergeant Shafiq Abdussabur - eff. 1/20/2018

RESIGNATIONS (For Board Information Only)

Officer Jinett Marte - eff. 1/12/2018

Officer Anthony Tarantino - eff. 1/14/2018

Officer Keron Bryce - eff. 1/15/2018

RECRUITMENT/SELECTION COMMITTEE REPORT

There was no Recruitment/Selection Committee Report.

EFFICIENCY COMMITTEE REPORT

There was no Efficiency Committee Report.

FINANCE COMMITTEE REPORT

■ Commissioner Dawson stated Mr. Michael Carter and Chief Campbell are working on some information.

■ Mr. Carter said that it is about a 15-page report. He further added that he would the meeting with Chief Campbell and others including the comptroller after which a report will be issued with recommendations on staffing and overtime going back probably about ten years.

■ Commissioner Dawson stated that the Department is doing its due diligence to figure out how to maximize its man power in order to keep the overtime down while adhering to its mission.

OTHER BUSINESS

Officer Eric Pesino - Reimbursement for damaged Salomon work boots and Mechanix Wear Gloves.

■ Commissioner Ribeiro started that the Board should have the incident report and not just a memo and receipts to get a complete picture.

** **Commissioner Garcia moved to Table Officer Pesino's Request for Reimbursement in Order to get more Information**
 ** **Commissioner Smith seconded**
 Voting for: Commissioners Diaz, Garcia, Ribeiro, Smith and Walker
 ** **Motion passed (5-0-0)**

■ Chief Campbell said the administration will inform the union.

Discussion of future goals and objectives of the Board of Police Commissioners.

■ Commissioner Ribeiro stated there have been discussions about the Board reviewing files again similar to what the Civilian Review Board would do knowing that the Civilian Review Board is not in existence currently. This should be done in order to be more transparent and to provide clear oversight over the Department. Commissioner Ribeiro would like to revisit that at some point.

■ The files will be given to the commissioners to read.

■ Commissioner Garcia asked if it possible for a couple of commissioners to work on how the process should run.

■ Commissioner Ribeiro responded by saying that since there is a format already in existence, the Board and the administration should look at the format and figure out if it needs tweaking. She further started that this would show the community that there is accountability from the Board.

■ Commissioner Ribeiro said that since the Board had approved a lot of General Orders she would like to see an outline of where the Department is with the General Orders so the Board can have an idea of what is pending.

■ Assistant Chief Cain said it's just over 20. She apologized for not having it. She stated she would e-mail it the following day to the commissioners.

■ Commissioner Smith added that there were discussions of about modifications to General Order 89-2 at the last meeting. He was wondering if it has been delegated to anyone.

■ Assistant Chief Cain responded that the Department is finishing up the body-worn camera training which will be completed the following week. After that there will be time to focus on the General Orders. It is anticipated that in February the work on General orders will be in full force and there are a few that have to be prioritized. All General Orders have to go through Corporation Counsel and the Union so some of the General Orders can take three months before they Board sees it.

■ Commissioner Smith responded by saying that this Board had requested that that particular General Order be expedited as resignations are coming up and the Board wants it to be a high priority.

■ Assistant Chief Cain replied by saying that since contract negotiations are ongoing it is difficult to negotiate General Orders. She will discuss with Chief Campbell about doing a special General Order which is a short-term order until the administration can sit down formally with the union and put together a General Order to kind of take the place of 89-2. And it would be in applicable until a formal General Order is agreed upon.

■ Chief Campbell added that a special General Order does not need union approval.

■ Assistant Chief Cain added that a special General Order is typically only good for a year.

■ Commissioner Smith requested that the special Order should be sent to the Board to look it over for any type of questions and/or modifications.

■ Commissioner Walker asked about where the General Orders are stored electronically.

■ Assistant Chief Cain said that they are stored on the K drive which is accessible to all city employees. The Department is working on getting all of the General Orders approved, except for those with any tactical language or those confidential in nature, and put on the website. The commissioners are free to look at the paper versions.

■ Commissioner Ribeiro suggested a flash drive for the electronic General Orders.

■ Attorney Wolak said that the language in 89-2 to do with resignation can just be deleted.

■ Assistant Chief Cain stated that before anything is done she would like to confer with Attorney Wolak and Chief Campbell as some of the General Orders are outdated.

■ Commissioner Dawson stated that Internal Affairs is going to be moved up before Executive Session.

■ Attorney Wolak asked if the Board wants Internal Affairs after the Chief's Report. Commissioner Dawson said yes.

■ Commissioner Dawson stated the communication has been great but that he thinks there is room for improvement.

■ Commissioner Dawson further stated that Chief Campbell would be choosing the next assistant chief and hopes that the Board's input will help him make the decision.

**** Commissioner Garcia moved to Adjourn the Regular Meeting**

**** Commissioner Ribeiro seconded**

Voting for: Commissioners Diaz, Garcia, Ribeiro, Smith and Walker

**** Motion passed (5-0-0)**

**The Board adjourned at 7:15 p.m.
The next meeting is scheduled for 2/13/2018**

Respectfully submitted,

Sotonye Otunba-Payne